

Greenberg Traurig, LLP
3773 Howard Hughes Parkway - Suite 400 North
Las Vegas, Nevada 89109
(702) 792-3773
(702) 792-9002 (fax)

MARK E. FERRARIO
Nevada Bar No. 1625
ferrariom@gtlaw.com
KARA B. HENDRICKS
Nevada Bar No. 7743
hendricksk@gtlaw.com
MOOREA KATZ
Nevada Bar No. 12007
katzmo@gtlaw.com
GREENBERG TRAURIG, LLP
3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, Nevada 89169
Telephone: (702) 792-3773
Fax: (702) 792-9002
Attorneys for Defendants
Clark County School District, Emile Wozniak,
Ron Isaacs, Laurie Evans, Eric Gygatz,
Jim Dinkel and Darrel Brown

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JULIANO ROSARIO and FRANK
ROSARIO,

Case No. 2:13-cv-00362 (JCM) (PAL)

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT,
EMILE WOZNIAC in his official capacity,
RON ISAACS in his official capacity,
DARREL BROWN, individually and in his
official capacity, LAURIE EVANS
individually and in her official capacity, ERIC
GYGATZ, individually and in his official
capacity, and JIM DINKEL, individually and
in his official capacity,

**ORDER DENYING PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

Defendants

Plaintiffs filed an ex parte application for injunctive relief. (Doc. # 3) Defendants filed a response in opposition to ex parte application for injunctive relief or, in the alternative, application for preliminary injunctive relief. (Doc. # 12). Plaintiffs' filed a reply. (Doc. #15).

1 A hearing in the above-entitled matter was held on April 10, 2013 at 10:30 a.m. with counsel
 2 appearing for all parties. After reviewing the pleadings on file herein and entertaining the argument
 3 of counsel, the court finds the following:

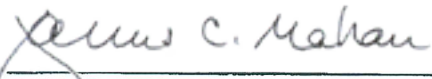
- 4 1. Juliano Rosario, a high-school student within Clark County School District ("CCSD")
 5 and his father Frank Rosario, seek injunctive relief and in so doing request the Court
 6 return plaintiff Juliano to Desert Oasis High School ("Desert Oasis") for the remainder
 7 of his senior year, request that Juliano be allowed to attend prom and other events at
 8 Desert Oasis, seek to prohibit the communication of Juliano's discipline records and
 9 tweets during the pendency of the action and seek to enjoin CCSD from punishing
 10 Juliano in any way.
- 11 2. A preliminary injunction is an extraordinary remedy that may not be granted unless the
 12 movant can clearly show "1) he is likely to succeed on the merits of such a claim; 2) he
 13 is likely to suffer irreparable harm in the absence of preliminary relief; 3) the balance of
 14 equities tips in his favor; and 4) that an injunction is in the public interest." *Winter v.*
 15 *NRDC, Inc.*, 555 U.S. 7, 20, 129 S. Ct. 365, 172 L.Ed.2d 249 (2008).
- 16 3. Plaintiffs have failed to satisfy their burden of demonstrating that they will suffer
 17 irreparable injury if the preliminary injunction they have requested is not issued.
 18 Although plaintiffs allege that Juliano will be harmed because he will not graduate with
 19 his friends at Desert Oasis, will not be able to attend the Desert Oasis prom, is not being
 20 taught by his former teachers at Desert Oasis and will not be able to attend his sister's
 21 cheerleading events at Desert Oasis, such allegations do not constitute the "irreparable
 22 injury" requisite required for the issuance of a preliminary injunction.
- 23 4. Additionally, to the extent plaintiffs' contend that Juliano's millenium scholarship is in
 24 jeopardy due to defendants' act of disciplining Juliano, such injury is entirely
 25 speculative. "Speculative injury does not constitute irreparable injury." *Goldie's*
 26 *Bookstore, Inc. v. Superior Court of Cal.*, 739 F.2d 466, 472 (9th Cir. 1984).

1 5. As plaintiffs have not shown irreparable harm, the court need not reach a decision
2 regarding the remaining factors set forth in *Winter v. NRDC, Inc.*, 555 U.S. 7, 20, 129 S.
3 Ct. 365, 172 L.Ed.2d 249 (2008).

4 6. For the foregoing reasons, plaintiffs' ex parte motion for injunctive relief is DENIED.

5 IT IS SO ORDERED.

6 Dated this 23rd day of April, 2013

7
8 
9 UNITED STATES DISTRICT JUDGE

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11 Respectfully Submitted by:

12 GREENBERG TRAURIG, LLP

13 
14 MARK E. FERRARIO

15 Nevada Bar No. 1625

16 KARA B. HENDRICKS

17 Nevada Bar No. 7743

18 MOOREA L. KATZ

19 Nevada Bar No. 12007

20 3773 Howard Hughes Parkway

21 Suite 400 North

22 Las Vegas, Nevada 89169

23 Attorneys for Defendants

24 Approved as to Form & Content:

25 HARRIS, YUG & OHLINGER

26 
27 ROBERTA OHLINGER-JOHNSON, ESQ.

28 Nevada Bar No. 10946

ELLIOT D. YUG, ESQ.

Nevada Bar No. 5172

1489 W. Warm Springs Road Ste. #110

Henderson, Nevada 89104

Attorneys for Plaintiffs

Greenberg Traurig, LLP
3773 Howard Hughes Parkway - Suite 400 North
Las Vegas, Nevada 89109
(702) 792-3773
(702) 792-9002 (fax)